

**House Study Bill 683 - Introduced**

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON MASCHER)

**A BILL FOR**

1 An Act relating to election laws by making changes to voter  
2 registration, absentee voting, and election day procedures,  
3 providing a penalty, and including effective date and  
4 applicability provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 39A.3, subsection 1, paragraph b, Code  
2 2009, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (7A) Refuses the opportunity to cast a  
4 provisional ballot to a prospective voter who was entitled to  
5 vote pursuant to section 49.81, subsection 1.

6 Sec. 2. Section 39A.3, subsection 1, paragraph b,  
7 subparagraph (8), Code 2009, is amended to read as follows:

8 (8) Allows a person to do any of the acts proscribed by  
9 subparagraphs (1) through ~~(7)~~ (7A).

10 Sec. 3. Section 48A.7A, subsection 1, paragraph b,  
11 subparagraph (2), subparagraph division (d), Code 2009, is  
12 amended to read as follows:

13 (d) Bank statement provided by the financial institution  
14 either electronically or by regular mail.

15 Sec. 4. Section 48A.7A, subsection 1, paragraph b,  
16 subparagraph (2), Code 2009, is amended by adding the following  
17 new subparagraph divisions:

18 NEW SUBPARAGRAPH DIVISION. (h) A printed blank check.

19 NEW SUBPARAGRAPH DIVISION. (i) A receipt for payment of an  
20 item in subparagraph division (b) or (c).

21 Sec. 5. Section 48A.11, subsection 1, Code 2009, is amended  
22 by adding the following new paragraph:

23 NEW PARAGRAPH. n. Whether the registrant wishes to request  
24 an absentee ballot and the name and date of the election for  
25 which the absentee ballot is requested. A registrant may  
26 request an absentee ballot under this paragraph for an election  
27 held in the year of registration or in the year following  
28 registration.

29 Sec. 6. Section 49.77, subsection 3, paragraph b, Code  
30 Supplement 2009, is amended by striking the paragraph.

31 Sec. 7. Section 50.15A, subsection 2, paragraph a, Code  
32 Supplement 2009, is amended to read as follows:

33 a. After the polls close on election day, the commissioner  
34 of elections shall periodically provide election results to the  
35 state commissioner of elections as the precincts in the county

1 report election results to the commissioner pursuant to section  
2 50.11. ~~If the commissioner determines that all precincts will~~  
3 ~~not report election results before the office is closed, the~~  
4 ~~commissioner shall report the most complete results available~~  
5 ~~prior to leaving the office at the time the office is closed~~  
6 ~~as provided in section 50.11. The commissioner shall specify~~  
7 ~~the number of precincts included in the report to the state~~  
8 ~~commissioner of elections.~~

9 Sec. 8. Section 50.20, Code 2009, is amended to read as  
10 follows:

11 **50.20 Notice of ~~number of~~ provisional ballots.**

12 The commissioner shall compile a list of the number of  
13 provisional ballots cast under section 49.81 in each precinct.  
14 The list shall include the name and address of those persons in  
15 each precinct who cast provisional ballots. For the general  
16 election, the list shall be made available to the public on  
17 election day after the polls close. For all other elections,  
18 the list shall be made available to the public as soon as  
19 possible, but in no case later than ~~nine o'clock~~ 9:00 a.m. on  
20 the second day following the election. Any elector may examine  
21 the list during normal office hours, and may also examine the  
22 affidavit envelopes bearing the ballots of challenged electors  
23 until the reconvening of the special precinct board as required  
24 by this chapter. Only those persons so permitted by section  
25 53.23, subsection 4, shall have access to the affidavits while  
26 that board is in session. Any elector may present written  
27 statements or documents, supporting or opposing the counting of  
28 any provisional ballot, at the commissioner's office until the  
29 reconvening of the special precinct board.

30 Sec. 9. Section 53.1, subsection 1, Code 2009, is amended  
31 to read as follows:

32 1. Any registered voter may vote absentee, subject to the  
33 provisions of this chapter, ~~vote at any election:~~

34 ~~a. When the voter expects to be absent on election day~~  
35 ~~during the time the polls are open from the precinct in which~~

1 ~~the voter is a registered voter.~~

2 ~~b. When, through illness or physical disability, the voter~~  
3 ~~expects to be prevented from going to the polls and voting on~~  
4 ~~election day.~~

5 ~~c. When the voter expects to be unable to go to the polls~~  
6 ~~and vote on election day.~~

7 Sec. 10. Section 53.2, subsections 1, 4, and 7, Code  
8 Supplement 2009, are amended to read as follows:

9 1. a. Any registered voter, ~~under the circumstances~~  
10 ~~specified in section 53.1,~~ may on any day, except election  
11 day, and ~~not more than seventy days prior to the date of~~  
12 ~~the election,~~ apply in person for an absentee ballot at the  
13 commissioner's office or at any location designated by the  
14 commissioner. However, for those elections in which the  
15 commissioner directs the polls be opened at noon pursuant to  
16 section 49.73, a voter may apply in person for an absentee  
17 ballot at the commissioner's office from 8:00 a.m. until 11:00  
18 a.m. on election day.

19 b. A registered voter may make written application to the  
20 commissioner for an absentee ballot. A written application  
21 for an absentee ballot must be received by the commissioner  
22 no later than 5:00 p.m. on the Friday before the election. A  
23 ~~written application for an absentee ballot delivered to the~~  
24 ~~commissioner and received by the commissioner more than seventy~~  
25 ~~days prior to the date of the election shall be retained by~~  
26 ~~the commissioner and processed in the same manner as a written~~  
27 ~~application received not more than seventy days before the date~~  
28 ~~of the election.~~

29 4. Each application shall contain the name and signature  
30 of the registered voter, the registered voter's date of birth,  
31 the address at which the voter is registered to vote, and the  
32 name or date of the election for which the absentee ballot is  
33 requested, and such other information as may be necessary to  
34 determine the correct absentee ballot for the registered voter.  
35 Spaces for information on the prescribed form shall be arranged

1 in such a manner that required information is at the beginning  
2 of the form before spaces for information that is optional to  
3 include. If insufficient information has been provided, either  
4 on the prescribed form or on an application created by the  
5 applicant, the commissioner shall, by the best means available,  
6 obtain the additional necessary information.

7 7. A registered voter who has ~~not moved from the county in~~  
8 ~~which the elector is registered to vote~~ may submit a change  
9 of name, telephone number, or address on the absentee ballot  
10 application form when requesting an absentee ballot from the  
11 commissioner in the county where the applicant resides. Upon  
12 receipt of a properly completed form, the commissioner shall  
13 enter a notation of the change on the registration records.

14 Sec. 11. NEW SECTION. 53.4 Receipt of application for  
15 ballot — notation on registration record.

16 The receipt of an application for an absentee ballot, and  
17 any information contained on the absentee ballot application  
18 pertaining to the applicant's voter registration record,  
19 shall be recorded on the statewide voter registration system  
20 within forty-eight hours of receipt of the application by the  
21 commissioner.

22 Sec. 12. Section 53.20, subsection 2, Code Supplement 2009,  
23 is amended by adding the following new paragraph:

24 NEW PARAGRAPH. c. The reports required by this subsection  
25 shall be forwarded to the state commissioner who shall compile  
26 the reports into one statewide report for each precinct in each  
27 county and shall make the report available to the public.

28 Sec. 13. Section 53.23, subsection 1, Code Supplement 2009,  
29 is amended to read as follows:

30 1. The election board of the absentee ballot and special  
31 voters precinct shall be appointed by the commissioner in the  
32 manner prescribed by sections 49.12 and 49.13, except that  
33 the number of precinct election officials appointed to the  
34 board shall be sufficient to complete the counting of absentee  
35 ballots by 10:00 p.m. after the board convenes on election day.

1 Sec. 14. Section 53.23, subsection 3, paragraphs a and c,  
2 Code Supplement 2009, are amended to read as follows:

3 a. The commissioner shall set the convening time for  
4 the board, allowing a reasonable amount of time to complete  
5 counting all absentee ballots ~~by 10:00 p.m.~~ after the board  
6 convenes on election day. Once the commissioner has convened  
7 the board on election day, the count required by this  
8 subsection shall not cease or otherwise be interrupted until  
9 the count is completed.

10 c. For the general election, the commissioner may convene  
11 the special precinct election board on the day before the  
12 election to begin counting absentee ballots. ~~However, if~~  
13 ~~in the preceding general election the counting of absentee~~  
14 ~~ballots was not completed by 10:00 p.m. on election day, the~~  
15 ~~commissioner shall convene the special precinct election board~~  
16 ~~on the day before the next general election to begin counting~~  
17 ~~absentee ballots.~~ The board shall not release the results of  
18 its tabulation pursuant to this paragraph until the count is  
19 completed on election day.

20 Sec. 15. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This  
21 Act, being deemed of immediate importance, takes effect upon  
22 enactment and applies to elections held on or after May 15,  
23 2010.

24 EXPLANATION

25 This bill makes various changes to the laws relating to  
26 absentee voting and voter registration.

27 The bill provides that it is election misconduct in the  
28 second degree for an election official to refuse a prospective  
29 voter the opportunity to vote a provisional ballot if the  
30 voter was entitled to vote a provisional ballot. Election  
31 misconduct in the second degree is an aggravated misdemeanor.  
32 An aggravated misdemeanor is punishable by confinement for no  
33 more than two years and a fine of at least \$625 but not more  
34 than \$6,250.

35 The bill adds to the list of documents that are accepted

1 for purposes of establishing residency for election day and  
2 in-person absentee voter registration. Currently, two of the  
3 acceptable items are a property tax statement or utility bill  
4 showing the name and address of the voter registrant. The bill  
5 provides that a receipt for payment of either of these items is  
6 acceptable if the receipt contains the name and address of the  
7 voter registrant. The bill also adds "a printed blank check"  
8 with the person's name and address as an acceptable document  
9 for establishing residency. The bill specifies that the bank  
10 statement currently listed as an acceptable document for  
11 establishing residency may be a bank statement provided by the  
12 financial institution either electronically or by regular mail.

13 The bill requires the state commissioner to include on the  
14 voter registration form space for the registrant to indicate  
15 whether the registrant wishes to request an absentee ballot  
16 and the name and date of the election, held in the year of  
17 registration or the year following registration, for which the  
18 absentee ballot is requested.

19 The bill eliminates a provision authorizing a precinct  
20 election official to ask for identification of any voter  
21 unknown to the official.

22 Under current law, the county commissioner of elections is  
23 to compile a list, for public inspection within two days of  
24 the election, of the number of provisional ballots cast in an  
25 election. The bill requires that the list also include the  
26 name and address of each person who cast a provisional ballot  
27 and, for general elections, that the list be made available to  
28 the public on election day.

29 The bill strikes the reasons for which a voter may request an  
30 absentee ballot and provides instead that any registered voter  
31 may request and vote an absentee ballot.

32 The bill strikes the requirement that an application for an  
33 absentee ballot be received not more than 70 days before the  
34 election. Currently, if an application is received more than  
35 70 days before the election, the commissioner is required to

1 retain the application and process it in the same manner as an  
2 application received in a timely fashion. Under the bill, the  
3 commissioner would still retain an application and process it  
4 immediately after the ballots become available.

5 The bill provides that spaces on the absentee ballot  
6 application form prescribed by the state commissioner of  
7 elections shall be arranged in such a manner that required  
8 information is at the beginning of the form before spaces for  
9 information that is optional to include.

10 The bill provides that if an application for an absentee  
11 ballot indicates that the applicant has moved out of the  
12 county, the commissioner of the county where the applicant  
13 resides shall make a notation on the voter's registration  
14 indicating the change of address. Currently, a commissioner  
15 is allowed to note a change of address only if the registered  
16 voter moved within the county.

17 The bill requires the commissioner to record receipt of an  
18 absentee ballot application, and any voter registration changes  
19 resulting from certain information included on the application,  
20 to be entered on the statewide voter registration system within  
21 48 hours of receiving the application.

22 Currently for the general election, the county commissioner  
23 of elections is required to report absentee and provisional  
24 voting by resident precinct of the voter. The bill requires  
25 the county commissioner of elections to send the reports to the  
26 state commissioner who shall compile a statewide report for  
27 each precinct in each county.

28 The bill provides that once the special precinct election  
29 board is convened by the commissioner on election day to  
30 count absentee and provisional ballots, it must continue the  
31 count until it is completed. The bill makes a corresponding  
32 amendment relating to election day reporting requirements to  
33 the state commissioner of elections.

34 Current law authorizes the commissioner to take certain  
35 actions in order to complete the count by 10:00 p.m. on

1 election day. Those provisions are amended to authorize the  
2 same actions in order to complete the count once the board has  
3 convened on election day.

4 The bill strikes the provision that required the  
5 commissioner to convene the special precinct election board on  
6 the day before the election to begin counting ballots if in the  
7 preceding general election the count was not completed by 10:00  
8 p.m. on election day.

9 The bill takes effect upon enactment and applies to  
10 elections held on or after May 15, 2010.